

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHESTER A. KIRBY,

Plaintiff,

-against-

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.  
-----X

JUDGMENT  
05-CV- 4667 (CBA)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ FEB 24 2006 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

An Order of Honorable Carol Bagley Amon, United States District Judge, having been filed on January 5, 2006, reversing the Commissioner's decision, pursuant to the sixth sentence of 42 U.S.C. § 405(g); and remanding plaintiff's claim for further administrative proceedings, to certify that the hearing tape cannot be transcribed and to remand the case to an Administrative Law Judge for a new hearing and a new decision and to prepare a certified administrative record for filing with this Court; it is

ORDERED and ADJUDGED that the Commissioner's decision is reversed, pursuant to the sixth sentence of 42 U.S.C. § 405(g); and that plaintiff's claim is remanded for further administrative proceedings, to certify that the hearing tape cannot be transcribed and to remand the case to an Administrative Law Judge for a new hearing and a new decision and to prepare a certified administrative record for filing with this Court.

Dated: Brooklyn, New York  
February 23, 2006

/s/  
ROBERT C. HEINEMANN  
Clerk of Court